

**PLANNING AND ZONING COMMISSION
MINUTES
SPECIAL MEETING
October 16, 2009**

Place: Room 119
Town Hall

TIME: 3:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Spain, Hutchison, Grimes, Bigelow, Riccardo

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
FILMED: Channel 79

Vice-Chairman Bigelow read the following agenda item:

Discussion, deliberation, and possible decision on the following two items:

Special Permit Application #188-B/Site Plan, Darien Board of Education, Darien High School, 80 High School Lane. Proposing to utilize six (6) portable lights at the Darien High School Stadium Field for seasonal fall use by Darien High School fall sports teams. *PUBLIC HEARING CLOSED 10/6/2009. DECISION DEADLINE: 12/10/2009.*

Mr. Bigelow read the draft resolution aloud. He noted that the proposal is for three years. Minor modifications were discussed and agreed to by all. Mr. Spain made a motion to adopt the resolution as amended. That motion was seconded by Mr. Hutchison, and unanimously approved. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 16, 2009**

Application Number: Special Permit Application #188-B/Site Plan
Darien Board of Education, Darien High School, 80 High School Lane

Street Address: 80 High School Lane
Assessor's Map #9 Lots #80 & #81

Name and Address of:
Property Owner: Darien Board of Education/Town of Darien
2 Renshaw Road
Darien, CT 06820

Name and Address of
Applicant: Darien Board of Education
2 Renshaw Road
Darien, CT 06820

Activity Being Applied For: Proposing to utilize six (6) portable lights at the Darien High School Stadium Field for seasonal fall use by Darien High School fall sports teams.

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Property Location: The subject property is located on the north side of High School Lane approximately 1,200 feet west of its intersection with Middlesex Road.

Zone: R-2

Date of Public Hearing: September 8, 2009 continued to October 6, 2009

Time and Place: 8:00 P.M. Auditorium Town Hall

Publication of Hearing Notices

Dates: August 27 & September 3, 2009

Newspaper: Darien News-Review

Date of Action: October 16, 2009

Action: GRANTED WITH
MODIFICATIONS AND STIPULATIONS

Scheduled Date of Publication of Action:
October 22, 2009

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plan, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The application is to utilize six (6) portable lights at the Darien High School Stadium Field for seasonal fall use by four Darien High School fall sports teams for team practices on weekdays until 6:00 pm in late October, November, and possibly early December. The number, height, location and use of the proposed temporary portable lights were described at the public hearing. The 20 foot high proposed temporary lights would allow lighted practices at dusk and after sunset. At the October 6, 2009 public hearing, the applicant's representative noted that they are requesting a minimum 3-year approval.
2. These proposed 20 foot high lights are the maximum allowed under the Darien Zoning Regulations—the Commission cannot approve lights higher than 20 feet.
3. The Commission notes that there is a related application for 20' temporary lights for exclusive use by the Darien Junior Football League (DJFL). Both the subject application and that

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application were heard simultaneously on September 8 and October 6, 2009. That DJFL application is the subject of Special Permit Application #188-C/Site Plan, and has been decided separately.

4. The purpose of the temporary portable lights is to have practices on the Stadium Field for the following high school sports teams: boys and girls soccer; boys football; and girls field hockey. The proposed temporary lights would allow these lighted practices during certain weekdays.
5. Section 405b of the Darien Zoning Regulations allows lighting or illumination of recreation facilities as an Accessory Use Requiring Special Permit. That Section reads as follows:
 - b. Outdoor recreational uses and tennis courts. The lighting or illumination of recreational facilities is permitted provided that such lighting shall create no hazard or nuisance upon adjacent properties with reference to the following standards:*
 - (1) *The source of such lights shall be concealed from surrounding residential properties;*
 - (2) *All lighting shall be located and be of such design that no illumination shall be directed toward surrounding residential properties;*
 - (3) *No lighting facilities shall be mounted at a height greater than 20 feet above grade.*
6. An important factor for this Commission in its consideration of this application is the location of the High School in a fully developed residential zone, surrounded on all sides by single-family houses; and with the Stadium Field, in particular, located directly upon a portion of that neighborhood. The Commission's application of its own Regulations to this request for a Special Permit requires that these location and proximity factors be considered fully in assessing each element of those regulations.
7. During the 2008 Fall Sports season at Darien High School, an experimental or trial use of six 20 foot high portable lights was carried out at the High School's Stadium Field after approval from the Planning & Zoning Commission. This allowed the football team only up to 11 weekday practice sessions under the lights for a maximum of 33 hours. It also allowed two DJFL practices totaling three hours. That approval ran from November 20 to December 5, 2008.
8. In the weeks following the 2008 trial use of the lights, the Darien Board of Education conducted a study and survey concerning the practice sessions and the use of the portable lights, and about the impact of these activities on the residential neighborhoods surrounding the High School. A January 29, 2009 five-page report with attachments was prepared by Donald P. Fiftal, Superintendent of Schools, and was briefly discussed by the Commission at the Commission's general meeting on March 10, 2009. During the public hearing on the subject application, the use of the lights and the Fiftal report were discussed, and input from the general public was considered.
9. All four Fall Sports teams (boys and girls soccer; boys football; and girls field hockey) involved in this application have carried on active and successful interscholastic seasons at Darien High

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School for years, including many years prior to the recent building of the new High School building and sports fields complex. With the exception of the 2008 trial use of practice lights, these teams have not held their outdoor practice sessions at Darien High School facilities under artificial lights.

10. During the hearing sessions, it was established that some of the four high school teams would end their regular seasons of interscholastic games during the first week-end in November – this year from November 7-8. At least one other team will play its final regular season game on Thanksgiving Day – this year November 26. On this basis, the latest dates on which weekday late afternoon practice sessions would be held by any of the four teams would be a few days after Thanksgiving, until any post-season games for which they might be designated are completed. According to the submitted application materials, if the high school football team makes the State tournament, it could need to continue its practices through the first week of December.
11. The applicant noted, and the Commission agrees, that this is a very limited proposal for a limited duration. The details presented to the Commission were adequate for it to gain a sufficient understanding of the proposed activity. The Commission is looking for the Board of Education and its representatives to manage this temporary lights program to ensure full compliance with Section 405b.
12. The subject application is solely for six 20 foot high portable lights to be used on a temporary basis—only during the described fall sports seasons during 2009, 2010, and 2011. The usage of the lights was specifically defined by the applicant within the application materials and at the public hearing. Any request for lighting beyond late November/early December 2011 requires a subsequent Special Permit application to this Commission.
13. The information gathered during these three fall sports periods nonetheless could be helpful in any future analysis of light use proposals for the subject property. The Commission notes that if the approval period proposed had been a longer span of weeks each year, there could have been other stipulations required by the Commission to ensure that the lights and activities would not have an unreasonable impact on the neighborhood.
14. It was clear from the applicant's presentation that no different or more intense use is being proposed as part of this application. The existing late afternoon practices on the Stadium field now occur, and will continue to occur. Only practice sessions for the aforementioned four high school varsity sports teams are proposed to occur under the subject lights, and only on weekday afternoons, always ending at or before 6 pm. No other use of the lighted Stadium Field is being requested as part of this application.
15. The Commission notes that the lights as proposed herein are a Special Permit use within a single-family residential neighborhood. Actions have been taken since the lights trial period last year to reduce impacts of temporary, portable lights on neighbors. The Commission believes that an approval using lights for a longer number of weeks per season beyond those approved herein and the related Special Permit Application #188-C/Site Plan for DJFL could have unreasonable impacts on the neighbors and upon neighboring properties. It is incumbent upon the DJFL and the Board of Education to continue to work toward improvements which will

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minimize any potential impacts from the lights and the lighted activities upon neighbors and neighboring properties.

16. The 2006 Town Plan of Conservation and Development provides for the preservation of the residential character of Darien.
 - The Plan also notes Darien is fully developed, and the Commission acknowledges the resultant scarcity of public resources and potential strain on adjoining land uses. This strain is particularly evident in the neighborhoods surrounding all of Darien's public schools and the need for athletic fields and open space to accommodate both public and private use.
 - The Commission acknowledges the need to closely monitor the use of these field resources to ensure minimal encroachment on neighboring residential development.
 - Any incremental use and physical enhancement to the existing fields and facilities is subordinate to maintaining the character and quiet enjoyment of these preexisting neighborhoods.
17. Given the short and limited duration of the proposed use, the location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
18. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
19. The limited nature of the proposed lighting is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
20. The site plan has been reviewed by the Commission and is in general compliance with the intent, purposes and objectives of Section 1020.
21. The design, location, and specific details of the proposed use will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
22. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #188-B/Site Plan is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Installation of the portable, temporary lights shall be in accordance with the plan entitled, "Proposed Fall Seasonal Portable Light Units Darien High School Stadium Field" Application for Special Permit August 10, 2009.

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(This plan shows the proposed location of six (6) proposed Fall seasonal portable light units not more than 20 feet above grade (non-generator units)).

- B. This Special Permit shall cover a period of three annual Fall Sports practice seasons at the Stadium Field, through the end of 2011, as requested by the applicant. During the weeks during which use of the portable practice lights are in use they shall be turned on as early in the afternoon as the High School officials determine that daylight conditions require their use, and they shall be turned off no later than six o'clock pm (6:00 pm).
- C. Based upon the potential needs of some teams for post-season late afternoon practice sessions during the week[s] after their last regular season games, a Special Permit for the use of six portable light stands, as described during the hearing, is granted to the applicant for use at the Stadium Field. The lights may be used beginning on the Monday after at least one of the four teams finishes its final regular season game (but no earlier than the first Monday in November). The last day of practice lights use shall be the day on which the last weekday afternoon practice session is held for any of the four teams, whether or not that final practice date is for regular or for post-season play. For the 2009 Fall Sports season, the details of which were presented at the hearing, the period during which the lights may be used is Monday November 9 through the weekday when the football team holds its final 2009 late afternoon practice session, which, at the latest, could include one or more days during the week after Thanksgiving.
- D. The lights herein are proposed for a very limited duration. Any longer duration would trigger increased scrutiny by the Commission per the Darien Zoning Regulations. Similarly, this request/approval is not for games--only practice, and no use on weekends. Any game or weekend usage would also trigger increased scrutiny by the Commission.
- E. As described during the hearing, the physical plant staff at the High School and DJFL representatives shall have full control of the light units; the power connections for them shall be deactivated when they are not in use at the panel that feeds the lights, and the panel door will be locked; and, while the base fixtures for each of the light stands will house a locked diesel generator, these motors will not be operated during use of the lights and the units' fuel tanks shall contain no fuel.
- F. Because it is possible that the high school teams are eliminated from the playoffs prior to November 20, 2009, there is a chance that the lights may be in use only by DJFL on certain weekdays. Conversely, if DJFL teams get eliminated earlier, it is possible that the lights may be in use only by one or more high school teams on certain weekdays. It is also possible that the lights may not be used on certain weekdays at all within the total approved period due to practice schedules. Whether or not all of the permitted times and dates are used, no dates or hours of lighted practice sessions are authorized beyond those set out in paragraphs B and C of this decision.
- G. The Commission requires that all electrical cords meet all applicable code requirements and be inspected by the Fire Marshal or the Building Inspector prior to their use.
- H. The Commission strongly recommends that the Board of Education work in concert with the DJFL in providing screening in the form of plantings on the High School property, which may

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help minimize any impact of these temporary lights. The Commission notes that since this is a three-year approval, tree planting in 2009 or 2010 may help minimize impacts in late 2010 and 2011, *although any such planting would not determine any future action of the Commission.*

- I. Three contact phone numbers shall be submitted to the Planning and Zoning Office before October 30 and prior to the installation of the portable lights. This should be a phone number where someone can be contacted when the lights are in use and immediately thereafter, and should be for the Superintendent of Schools, a representative from the Board of Education, and the schools' Athletic Director. This will allow the neighbors to contact someone directly if they believe that any of the conditions herein are not being complied with, or if the lights are not turned off at the correct time. Any phone calls regarding the lights during the trial period shall be logged, and included in the subsequent "post-operations" report required by the Commission herein.
- J. Within 60 days after each year's final light use allowed under this decision (such final date expected to be near the end of November), the Board of Education shall prepare a written report outlining the following: when the lights were used; any complaints regarding the noise, light, or other potential impacts to the neighbors; and what changes could be made to minimize potential impacts (if any) were temporary lights to be used in the future. In order for the Planning & Zoning Commission to get a better understanding of how this trial period worked, they are requiring that a copy of said report be submitted to the Planning & Zoning Office before January 31, each year, so that they can discuss said report at a meeting in late January or February. This meeting will allow the Commission to hear first-hand from both the Board of Education and the neighbors about these temporary portable lights. It will also allow the Board of Education to consider what they would do or could do differently, and to better understand any impacts that the lights may be having.
- K. The Commission strongly recommends that during the trial period the light and sound from the high school Stadium Field location be analyzed by professional experts. This would allow the Board of Education to include this information in its "post-operations" report.
- L. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. The Commission hereby confirms that any future application for lights, whether temporary or permanent, shall require subsequent review and action by the Planning and Zoning Commission.
- M. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke these permits as it deems appropriate.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final plan. A Special Permit form shall be filed in the Darien Land Records prior to the installation of the temporary lights.

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Mr. Bigelow then read the next agenda item:

Special Permit Application #188-C/Site Plan, Darien Junior Football League (DJFL), Darien High School, 80 High School Lane. Proposing to utilize six (6) portable lights at the Darien High School Stadium Field for seasonal fall use by Darien Junior Football League. *PUBLIC HEARING CLOSED 10/6/2009. DECISION DEADLINE: 12/10/2009.*

Mr. Spain read the draft resolution aloud. It was noted that the Commission was acting upon a maximum of 15 weekday practices for DJFL from November 9 to November 20, from 6 pm to 7 pm only. The Commission briefly discussed typographic corrections and clarifications within the draft resolution. Discussion ensued, noting that this approval is only for one year, 2009. The Commission did not wish to mandate that practices get pushed to Holahan Field, when only one or two DJFL teams are remaining in the playoffs.

A motion to adopt the resolution as amended was made by Ms. Grimes. That motion was seconded by Ms. Riccardo, and approved by a vote of 5-0. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 16, 2009**

Application Number: Special Permit Application #188-C/Site Plan
Darien Junior Football League (DJFL)
Darien High School, 80 High School Lane

Street Address: 80 High School Lane
Assessor's Map #9 Lots #80 & #81

Name and Address of: Darien Board of Education/Town of Darien
Property Owner: 2 Renshaw Road
Darien, CT 06820

Name and Address of Applicant & Applicant's Representative Darien Junior Football League (DJFL)
c/o Guy Wisinski
35 Scofield Farms Road
Darien, CT 06820

Activity Being Applied For: Proposing to utilize six (6) portable lights at the Darien High School Stadium Field for seasonal fall use by Darien Junior Football League (DJFL).

Property Location: The subject property is located on the north side of High School Lane approximately 1,200 feet west of its intersection with Middlesex Road.

Zone: R-2

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Date of Public Hearing: September 8, 2009 continued to October 6, 2009

Time and Place: 8:00 P.M. Auditorium Town Hall

Publication of Hearing Notices

Dates: August 27 & September 3, 2009

Newspaper: Darien News-Review

Date of Action: October 16, 2009

Action: GRANTED WITH
MODIFICATIONS AND STIPULATIONS

Scheduled Date of Publication of Action:
October 22, 2009

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plan, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The applicant is a youth sports association which conducts football practice and game activities for youngsters in the Town of Darien, starting in the primary grade age levels up through middle school age. It was formed more than twenty years ago with fewer than 100 youngsters playing, and now has more than 500 players on a variety of teams and age levels. Prior to 2008, it has functioned successfully over these years using Town fields and facilities under the auspices of the Town Park and Recreation Commission and the Board of Education without the installation or use of artificial lights.
2. The application is to utilize six (6) portable lights at the Darien High School Stadium Field for seasonal fall use by Darien Junior Football League (DJFL) for team practices on a maximum of 15 weekdays. DJFL received specific authorization from the Darien Board of Education to proceed with this application for this specific field. The number, height, location and use of the proposed temporary portable lights were described at the public hearing. The purpose of the temporary 20 foot high portable lights is to have football practices on the high school Stadium Field during the early evening. The proposed temporary lights would allow lighted practices after sunset. The applicant is not expanding its existing football practice schedule.

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3. The proposed 20 foot high lights are the maximum allowed under the Darien Zoning Regulations—the Commission cannot approve lights higher than 20 feet.
4. As respects the administration of activities on properties owned by the Town but dedicated to one of the public schools operated by the Board of Education, community activities, which are consistent with the primary educational use of the school facilities, are and have been traditionally administered by the Board of Education, subject to the application of such limitations as are contained in the Town Plan and land use regulations, as is all Town property.
5. The Commission notes that there is a related application for 20 foot high portable temporary lights at the Darien High School Stadium Field. This is for light use in the late afternoon by four fall high school sports teams for practice sessions, and was submitted by the Board of Education. Both that application and the subject application for lighting the Stadium Field on a temporary basis on weekdays were heard simultaneously on September 8 and October 6, 2009. The Board of Education's temporary lights proposal is the subject of Special Permit Application #188-B/Site Plan, and has been decided separately. The DJFL also recently received approval for temporary portable lights for Holahan field on a trial basis for use in the late fall of 2009 (Special Permit Application #125-C).
6. Section 405b of the Darien Zoning Regulations allows lighting or illumination of recreation facilities as an Accessory Use Requiring Special Permit. That Section reads as follows:
 - b. Outdoor recreational uses and tennis courts. The lighting or illumination of recreational facilities is permitted provided that such lighting shall create no hazard or nuisance upon adjacent properties with reference to the following standards:*
 - i. The source of such lights shall be concealed from surrounding residential properties;*
 - ii. All lighting shall be located and be of such design that no illumination shall be directed toward surrounding residential properties;*
 - iii. No lighting facilities shall be mounted at a height greater than 20 feet above grade.*
7. An important factor for this Commission in its consideration of this application is the location of the High School in a fully developed residential zone, surrounded on all sides by single-family houses; and with the Stadium Field, in particular, located directly upon a portion of that neighborhood. The Commission's application of its own Regulations to this request for a Special Permit requires that these location and proximity factors be considered fully in assessing each element of those regulations.
8. During the 2008 Fall Sports season at Darien High School, an experimental or trial use of 20 foot high portable lights was carried out at the High School's Stadium Field after approval by the Planning & Zoning Commission. This allowed use by the high school varsity football team only, on up to 11 weekday practice sessions under the lights for a maximum of 33 hours. It also allowed two DJFL practices totaling three hours. That approval ran from November 20 to December 5, 2008.

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9. In the weeks following the 2008 trial use of the lights, the Darien Board of Education conducted a study and survey concerning the practice sessions and the use of the portable lights, and about the impact of these activities on the residential neighborhoods surrounding the High School. A January 29, 2009 five-page report with attachments was prepared by Donald P. Fiftal, Superintendent of Schools, and was briefly discussed by the Commission at the Commission's general meeting on March 10, 2009. The report primarily focused upon the use of the practice lights by the High School team and not on the two DJFL sessions. During the recent public hearing on the subject application, the use of the lights and the Fiftal report were discussed, and input from the general public was considered.
10. The DJFL has practiced at the Darien High School for a number of years. With the exception of the two evening trial use of practice lights in 2008, these DJFL teams have not held their outdoor practice sessions at any Darien Town or School facilities under artificial lights.
11. This Commission specifically finds that the applicant has operated a highly successful youth sports program for many years, and it has grown and prospered without the use or need for artificial lights. No showing was made at the hearing that applicant's continued successful operation will depend in any material way upon its access to lighted practice fields at any time during its regular season or post-season.
12. During the public hearing sessions, it was established that some of the DJFL teams could end their regular seasons of games during the first week-end in November – this year that is November 7-8.
13. Applicant's presentation did not establish a connection between the regular season and the playoff season—except to emphasize that, as November 20 approached, only teams whose record had prevented them from being eliminated in the playoffs would still be practicing. It was also noted that practices are not usually held on Mondays, which also decreases the amount of days the lights are likely to be on.
14. In 2008, the Commission approved a trial of 20 foot high portable lights at the high school Stadium Field. This trial allowed the DJFL to practice on two weekdays under the lights. The lights used for that trial were run off diesel-fueled generators. The proposal for 2009 includes temporary lights which are "hard wired" and not run from generators. This proposal also includes exterior window treatments to be installed on the cafeteria windows of the High School to reduce reflection. Another physical difference between last year's trial and this proposal is that the six lights are proposed for the eastern side of the field on the running track only, with no light structures in either end zone.
15. At the public hearing, the representatives from the DJFL noted that the proposal is to allow DJFL practices at the stadium field on weekdays only from Monday November 2, 2009 to either a) the date that the last DJFL team is eliminated from the playoffs or b) Friday November 20, 2009, whichever comes first. It was noted that November 2 to November 20 (15 weekdays in November 2009) is the maximum usage, not necessarily the actual usage. The usage would decrease as DJFL teams get eliminated from the playoffs. It was also noted that practices are not usually held on Mondays, which also decreases the number of days the lights are likely to be on for DJFL teams.

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16. The applicant has requested to have the lights on from 6:00 pm to 7:30 pm, with practice generally ending at or about 7:15 pm, and giving everyone time to exit the field. Thus, the request from DJFL is for 1 ½ hours on a maximum of 15 days—a maximum of 22 hours of use at this location. All of this is in addition to the use of lights for practices at Holahan Field, which has been approved for November 2009 on a trial basis.
17. The applicant noted, and the Commission agrees, that this is a very limited proposal for a limited duration. The details presented to the Commission were adequate for it to gain a sufficient understanding of the proposed activity. The Commission is looking for both representatives of the DJFL and representatives from the Darien Board of Education to manage this temporary lights program to ensure full compliance with Section 405b.
18. The subject application is solely for six portable, lights to be used on a temporary and trial basis, only during certain weekdays in November 2009. The usage of the lights was specifically defined by the applicant within the application materials and at the public hearing. Any request for lighting beyond November 20, 2009 requires a subsequent Special Permit application to this Commission.
19. The information gathered during this maximum 15 day trial period (weekdays from Monday November 2, 2009 to Friday November 20, 2009) nonetheless could be helpful in any future analysis of light use proposals for the subject property. The Commission notes that if the trial period proposed had been for a longer span of weeks, there could have been other stipulations required by the Commission to ensure that the lights and activities would not have an impact on the neighborhood.
20. It was clear from the applicant's presentation that no different or more intense use is being proposed as part of this application. The existing late afternoon and early evening football practices on the Stadium Field now occur, and will continue to occur. Only football practice sessions for Darien Junior Football League teams are proposed to occur under the subject lights. No other use of the lighted Stadium Field is being requested.
21. At the public hearing, neighbors voiced their concerns with the proposal via an attorney. E-mails were also sent in opposition to the project. Neighbor concerns were related to lighting and noise impacts, and potential impacts to property values. There was particular focus upon the early evening hours being sought by the DJFL application because as the neighbors contended, noise that may be reasonable and acceptable in a residential neighborhood during the late afternoon during daylight can become a nuisance disturbance during dark evening hours.
22. In the DJFL Rebuttal package dated October 6, 2009, a report from AKRF, Inc. Environmental and Planning Consultants was submitted, entitled, "Noise Impact Analysis for the Darien High School Stadium (7 pages with Appendix). Also included in that Rebuttal package was a December 30, 2008 letter (5 pages) from Hygenix, Inc. regarding Air Monitoring, Noise Monitoring, and Fugitive Light.
23. The Commission notes that the lights as proposed herein are a Special Permit use within a single-family residential neighborhood. Actions have been taken since the lights trial last year

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to reduce impacts of these temporary, portable lights on neighbors. The Commission believes that a longer-term approval for lights beyond those contained in this approval and the related Special Permit Application #188-B/Site Plan for the Board of Education could have unacceptable impacts on the neighbors and upon neighboring properties. It is incumbent upon the DJFL and the Board of Education to continue to work toward improvements which will minimize any potential impacts from the lights and the lighted activities on neighbors and neighboring properties.

24. The 2006 Town Plan of Conservation and Development provides for the preservation of the residential character of Darien.
25. The Plan also notes Darien is fully developed, and the Commission acknowledges the resultant scarcity of public resources and potential strain on adjoining land uses. This strain is particularly evident in the neighborhoods surrounding all of Darien's public schools and Town-owned properties and the need for athletic fields and open space to accommodate both public and private use.
26. The Commission acknowledges the need to closely monitor the use of these field resources to ensure minimal encroachment on neighboring residential development.
27. Any incremental use and physical enhancement to the existing fields and facilities is subordinate to maintaining the character and quiet enjoyment of these preexisting neighborhoods. The Commission has traditionally maintained the preservation of residential character with regard to any increased use of adjacent properties.
28. An important aspect of this determination is the fact that this will be a trial use for a limited time, such that any impact upon property values and normal residential levels of nighttime quiet residential use will not be unreasonable given such a short time period of operation.
29. Given the short and limited duration of the proposed use, the location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
30. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
31. The limited nature of the proposed lighting is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
32. The site plan has been reviewed by the Commission and is in general compliance with the intent, purposes and objectives of Section 1020.
33. The design, location, and specific details of the proposed use will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of

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highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

34. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #188-C/Site Plan is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Installation of the portable, temporary lights shall be in accordance with the plan entitled, "Proposed Fall Seasonal Portable Light Units Darien High School Stadium Field" Application for Special Permit August 10, 2009.
- B. (This plan shows the proposed location of six (6) proposed Fall seasonal portable light units not more than 20 feet above grade (non-generator units)).
- C. Based upon the potential needs of some DJFL teams' early evening practice sessions a Special Permit for a trial use of six portable light stands, as described during the public hearing, shall be granted to the applicant for use at the Stadium Field. The lights may be used beginning as soon as Monday, November 9, 2009. The last day of practice lights use shall be no later than Friday November 20, 2009.
- D. The lights shall only be turned on for DJFL practices during the time frame specified herein: weekdays only, Monday November 9, 2009 – Friday, November 20, 2009, 6:00pm-7:00pm. The Commission hereby modifies the application by only allowing DJFL practices to extend until 6:45 p.m., with 15 minutes to exit the field. Although DJFL requested that the lights be allowed to remain on until 7:30 p.m., the Commission hereby limits the time that the lights can be on until 7:00 p.m. This is to be consistent with the recent Holahan Field approval for DJFL (Special Permit Application #125-C), which also runs to 7:00 p.m. Thus, the Commission is approving a maximum light use of 10 hours over 10 weekdays. (By comparison, during last year's trial, DJFL practiced on 2 weekdays of use for a total of 3 hours—1 ½ hours on each of the two evenings).
- E. The lights herein are proposed for a very limited duration. Any longer duration would trigger increased scrutiny by the Commission per the Darien Zoning Regulations. Similarly, this request/approval is not for games--only practice, and no use on weekends. Any game or weekend usage would also trigger increased scrutiny by the Commission.
- F. As described during the hearing, the physical plant staff at the High School and DJFL representatives shall have full control of the light units; the power connections for them shall be deactivated when they are not in use at the panel that feeds the lights and the panel door will be locked; and, while the base fixtures for each of the light stands will house a locked diesel generator, these motors will not be operated during use of the lights, and the units' fuel tanks shall contain no fuel.

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- G. The Commission requires that all electrical cords meet all applicable code requirements and be inspected by the Fire Marshal or the Building Inspector prior to their use.
- H. The Commission strongly recommends that the DJFL work in concert with the Board of Education in providing screening in the form of plantings on the High School property, which may help minimize any impact of these temporary lights.
- I. Because it is possible that the four fall high school teams which have been given approval as part of the Board of Education lights application (Special Permit application #188-B/Site Plan) are eliminated from the playoffs prior to November 20, 2009, there is a chance that the lights may be in use only by DJFL on certain weekdays. Conversely, if DJFL teams get eliminated earlier, it is possible that the lights may be in use by only one or more high school teams on certain weekdays. It is also possible that the lights may not be used on certain weekdays within the total approved period due to practice schedules. Whether or not all of the permitted times and dates are used, no dates or hours of lighted practice sessions are authorized beyond those set out in paragraphs B and C of this decision.
- J. A contact phone number for DJFL shall be submitted to the Planning and Zoning Office before October 29 and prior to the installation of the portable lights. This should be a phone number where someone can be contacted when the lights are in use and immediately thereafter. This will allow the neighbors to contact someone directly if they believe that any of the conditions herein are not being complied with, or if the lights are not turned off at the correct time. Given the fact that the physical plant facilities of the High School will have direct control of the connections to the lights, neighbors may also call the High School contact numbers. Any phone calls regarding the lights during the trial period shall be logged, and included in the subsequent "post-operations" report required by the Commission herein.
- K. Within 60 days after the final light use allowed under this decision (such final date expected to be on or before November 20, 2009), DJFL shall prepare a written report outlining the following: when the lights were used; any complaints regarding the noise, light, or other potential impacts to the neighbors; and what changes could be made to minimize potential impacts (if any) were temporary lights to be used in the future. In order for the Planning & Zoning Commission to get a better understanding of how this trial period worked, they are requiring that a copy of said report be submitted to the Planning & Zoning Office before January 31, 2010, so that they can discuss said report at a meeting in late January or February 2010. This meeting will allow the Commission to hear first-hand from both the DJFL and the neighbors about these temporary portable lights. It will also allow the DJFL to consider what they would do or could do differently, and to better understand any impacts that the lights may have had.
- L. The Commission has a high degree of concern about evening disturbances in the quiet neighborhood where the High School is located. At the hearing, some guidance and arguments were presented on ambient or background noise and light levels in the evening. Should other similar applications be made for temporary practice lights during evening hours, the Commission will need to determine whether, in this neighborhood, the activities approved herein on a trial basis are suitable, reasonable, and acceptable after 6 p.m., or whether they institute an unacceptable intrusion upon the neighbors. The Commission strongly recommends

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that during the trial period the light and sound from the High School Stadium Field location be analyzed by professional experts. This would allow the DJFL to include this information in its "post-operations" report.

- M. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. The Commission hereby confirms that any future application for lights, whether temporary or permanent, shall require subsequent review and action by the Planning and Zoning Commission.
- N. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke these permits as it deems appropriate.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final plan. A Special Permit form shall be filed in the Darien Land Records prior to the temporary installation of the lights.

The meeting was adjourned at 4:36 P.M.

Respectfully submitted,

David Keating
Assistant Planning & Zoning Director